

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 09-CR-142

PHILLIP MOFFETT
Defendant.

ORDER

I sentenced defendant Phillip Moffett to 96 months in prison and a \$540 fine. Citing economic hardship in complying with the Bureau of Prisons' collection efforts, defendant seeks an order that the fine be payable upon his release from prison. The government does not object to the request.

Pursuant to 18 U.S.C. § 3572(d)(3), the district court may on a showing of "economic hardship" adjust the payment schedule on a fine. See United States v. Goode, 342 F.3d 741, 743 (7th Cir. 2003). Courts have held that this includes the authority to defer fine or restitution payments during the period of confinement upon a showing of changed economic circumstances. See, e.g., United States v. Iles, No. 01 CR 852-6, 2004 WL 1794477, at *2 (N.D. Ill. Aug. 5, 2004); United States v. Bowles, No. 98 CR 1281, 2003 WL 21396691, at *1 (S.D.N.Y. June 16, 2003); United States v. Golino, 956 F. Supp. 359, 366 (E.D.N.Y. 1997). Defendant has made the necessary showing.

THEREFORE, IT IS ORDERED that defendant's request (R. 25) is **GRANTED**. Payments on the fine are deferred during the period of confinement in the Bureau of Prisons. Defendant shall on release from prison make payments on the fine at a rate of not less than

\$25 per month.

Dated at Milwaukee, Wisconsin, this 12th day of February, 2013.

/s Lynn Adelman

LYNN ADELMAN
District Judge